

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7705

BILL NUMBER: HB 1137

NOTE PREPARED: Jan 3, 2005

BILL AMENDED:

SUBJECT: Information Technology Department.

FIRST AUTHOR: Rep. Murphy

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill creates the Information Technology Department (Department). The bill transfers to the Department the powers, duties, rules, personnel, funds, and equipment of the Division of Information Technology (DoIT) of the Department of Administration (DOA), the Information Technology Oversight Committee, the Intelnet Commission, and the Enhanced Data Access Review Committee. It also provides for the Department to be headed by a chief information officer. It makes conforming changes.

This bill also provides that the chief information officer is to participate in decisions made by the Higher Education Telecommunications System. It also repeals the statutes establishing the State Information Oversight Commission, the Information Technology Advisory Committee, the Intelnet Commission, and the Enhanced Data Access Review Committee. This bill also establishes the Information Technology Leadership Council.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* The overall fiscal impact of this legislation is estimated to be minimal. The provisions of this bill have been divided into four sections. The fiscal impact of each section is explained below:

(1) *Reorganization:* The cost of this general restructuring is expected to be limited. The transition is not expected to necessitate the hiring of additional support staff or require additional office space.

(2) *Information Technology Leadership Council:* Any administrative costs as a result of establishing this Council are presumed to be able to be covered through the use of existing staff and resources.

(3) *New responsibilities for State Agencies:* The possible increase in administrative costs that may result from these new responsibilities could presumably be covered through the use of existing staff and resources.

(4) *Indiana Higher Education Telecommunication System (IHETS):* It is estimated that any revenue lost, from a private entity finding another provider, would be made up by the cost savings in not having to provide services to that entity any longer.

Background Details: The following is a more detailed description of the sections discussed above.

(1) *Reorganization:* The Information Technology Department, created in this bill, will combine the rules, personnel, funds, and equipment of four existing entities:

- (1) the Department of Administration's Division of Information Technology;
- (2) the Information Technology Oversight Commission;
- (3) the Intelenet Commission; and
- (4) the Enhanced Data Access Review Committee (EDARC).

The cost of this general restructuring is expected to be limited. The transition is not expected to necessitate the hiring of additional support staff or require additional office space. This bill provides that the Governor appoints the Chief Information Officer (CIO) of the Department.

The December 7, 2004, state staffing report indicates that the Department of Administration's Division of Information Technology (DoIT) currently has 119 positions filled, and approximately 43 vacancies. The Information Technology Oversight Commission (ITOC) has 7 positions, of which 5 are filled. The Intelenet Commission has 45 authorized positions, of which 35 are filled.

The Intelenet Commission provides administrative staff for the EDARC, whose membership is as follows:

- (1) The State Budget Director or the director's designee.
- (2) The Commissioner of the Indiana Department of Administration or the Commissioner's designee.
- (3) A liaison from the Governor's office.
- (4) The Director of the State Library or the Director's designee.
- (5) The Director of the Commission on Public Records or the Director's designee.
- (6) The Attorney General or the Attorney General's designee.
- (7) Three individuals who are members of the general public appointed by the Governor for three-year terms.

DoIT is funded through the Data Processing Rotary Fund and the Telephone Rotary Fund. Revenue to these rotary funds comes from fees assessed on state agencies. During the FY 2004 - FY 2005 biennium, DoIT is budgeted approximately \$59,587,500 each year. DoIT also receives an annual \$2.18 M appropriation from revenue to the state's Pay Phone Account.

ITOC receives a General Fund appropriation. During the current biennium, ITOC was budgeted \$663,403 each year. The bill specifies that the FY 2006 appropriation to DoIT and to ITOC are transferred to the Department of Information Technology beginning July 1, 2005.

The Intelnet Commission is a body corporate and politic, and not supported by state appropriations. As of July 2004, the CY 2004 year-to-date net income for the Commission was \$885,308. The Commission's net income for CY 2003 was approximately \$1.5 M, and for CY 2002 was approximately \$1.3 M.

(2) Information Technology Leadership Council: This bill also establishes the Information Technology Leadership Council. The Council consists of the following members:

- (1) the CIO of the Department who shall serve as chair.
- (2) A member of the Attorney General's (AG) staff as appointed by the AG.
- (3) A member of the Auditor's staff as appointed by the Auditor.
- (4) The Director of the Budget Agency or the Director's designee.
- (5) The Commissioner of the DOA or the Commissioner's designee.

Any administrative costs as a result of establishing this Council are presumed to be able to be covered through the use of existing staff and resources.

(3) New Responsibilities for State Agencies: This bill also requires that all state agencies, as defined by IC 4-13-1-1 (*see excluded entities below), shall use the information and telecommunications services provided by the Department. The agencies that are included in this provision are also required to submit all budget requests relating to information technology to the CIO for review. Any increase in administrative costs that result from this provision could presumably be covered through the use of existing staff and resources.

*The legislative and judicial departments of state government, state educational institutions, political subdivisions, and bodies corporate and politic are not required to, but may with consent of the CIO, use the Department's services.

(4) Indiana Higher Education Telecommunication System (IHETS): This bill also provides that any private entity, in order to use telecommunication services as provided by the IHETS, must prove that no other provider is available, or that using another provider would create a hardship on the entity seeking services. This provision is expected to have little impact on the IHETS. It is estimated that any revenue lost, from a private entity finding another provider, would be made up by the cost savings in not having to provide services to that entity any longer.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Administration; Information Technology Oversight Commission; Intelnet Commission; Enhanced Data Access Commission; State Commission on Public Records; Indiana Higher Education Telecommunications System; all other state agencies as defined in IC 4-13-1-1.

Local Agencies Affected:

Information Sources: Auditor of State; State Budget Agency.

Fiscal Analyst: Adam Brown, 317-232-9854.